## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

2020 FEB 19 AM II: 50

U.S. DISTRICT COURT MIDDLE DISTRICT OF TN

JENNIFER REED and JOSE LUIS	)
GARCIA TALENTINO,	)
Plaintiffs,	)
	)
v.	) Civil Action No. 3:18-cv-00819
	) Judge Richardson/Frensley
	)
YOUNG HO KIM and UN JUNG KIM,	)
Defendants.	)

## RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT

Young Ho Kim and Un Jung Kim ("Defendants") have not entered into a settlement agreement with Plaintiffs Jennifer Reed and Jose Luis Garcia Talentino ("Plaintiffs"). In opposition to the Plaintiffs' motion to enforce settlement, Defendants state:

- Defendants have effectively communicated to Plaintiffs' that the initial settlement of \$5,500 was
  contingent on a written agreement with terms satisfactory to defendants as stated in the
  December 20, 2018 email from Trevor Howell to Charles Yezbak. This email effectively
  communicates defendants' wishes.
- 2. Mr. Howell was given actual authority by defendants to offer a \$11,000 lump sum settlement at the February 29, 2019 settlement conference. The offer was in an effort to conclude the lawsuit that day, and that day only. Plaintiffs rejected the offer that day. After the settlement conference, Mr. Howell withdrew due to medical conditions.
- 3. Defendants' did not directly authorize a lump sum settlement of \$11,000 after the settlement conference. Defendants instructed their son to communicate that the \$11,000 offer was still open to Mr. Hugen, but with conditions. Defendants wished to deduct unpaid back rent and

electricity bills, and wished to pay in installments. The settlement offer was a result of miscommunication and relaying of information through multiple parties.

Ultimately defendants did not directly authorize a lump sum settlement of \$11,000 to defendants' council, and the only time defendants' council was given actual authority to offer a lump sum was at the settlement conference where that offer was rejected.

For these reasons, Defendants ask this Court to dismiss Plaintiffs' motion to enforce settlement.

Date: February 19, 2020

Respectfully submitted, Young Ho Kim Un Jung Kim 335 Forest Park Rd. Apt Office Madison, TN 37115

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